

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

12 IN RE ACCURAY, INC. SHAREHOLDER) Lead Case No. C 09 05580 CW
13 DERIVATIVE LITIGATION)
14 This Document Relates To:) **ORDER AWARDING PLAINTIFFS'**
15 ALL ACTIONS.) **COUNSEL ATTORNEYS' FEES AND**
) **EXPENSES AND PLAINTIFFS' CASE**
) **CONTRIBUTION AWARDS**

This matter came before the Court for hearing on May 5, 2011, to consider approval of the proposed settlement (“Settlement”) set forth in the Stipulation of Settlement dated March 11, 2011, and the exhibits thereto (the “Stipulation”). The Court has reviewed and considered all documents, evidence, objections (if any), and arguments presented in support of or against the Settlement and on the application of Plaintiffs'-Appellants' Counsel and Demand Shareholder's Counsel for an award of the agreed upon attorneys' fees and expenses incurred in the litigation; the Court, having considered all papers filed and proceedings conducted herein, and having found the Settlement of this litigation to be fair, reasonable, and adequate, and otherwise being fully informed in the premises and good cause appearing therefore:

10 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

11 1. This Judgment incorporates by reference the definitions in the Stipulation, and all
12 capitalized terms used herein shall have the same meanings as set forth in the Stipulation.

13 2. This Court has jurisdiction over the subject matter of the application and all matters
14 relating thereto, including over all Settling Parties.

15 3. The Court hereby approves the Fee and Expense Award in accordance with the
16 Stipulation and finds that the amount of fees awarded is fair and reasonable. No other fees, costs, or
17 expenses may be awarded to Plaintiffs'-Appellants' Counsel and Demand Shareholder's Counsel in
18 connection with the Settlement. The Fee and Expense Award shall be paid to Plaintiffs'-Appellants'
19 Counsel and Demand Shareholder's Counsel in accordance with the terms of the Stipulation.

20 4. The Court hereby approves the incentive award of \$1,000 to be paid to each plaintiff,
21 Thomas Beebe, Christopher Borrelli, Sanjay Israni, and Eric Bachinski, for their participation and
22 effort in the prosecution of Plaintiffs' Actions, to be paid by Plaintiffs'-Appellants' Counsel and
23 Demand Shareholder's Counsel from the Fee and Expense Award.

24 IT IS SO ORDERED.

25 | DATED: May 6, 2011

Chadieal Witt

**THE HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE**

1 Submitted by:

2 ROBBINS UMEDA LLP
3 MARC M. UMEDA
4 KEVIN A. SEELY
5 KELLY M. MCINTYRE

6 s/ Kelly M. McIntyre

7 KELLY M. MCINTYRE

8 600 B Street, Suite 1900
9 San Diego, CA 92101
10 Telephone: (619) 525-3990
11 Facsimile (619) 525-3991

12 JOHNSON BOTTINI, LLP
13 FRANK J. JOHNSON
14 FRANCIS A. BOTTINI, JR.
15 KEITH M. COCHRAN
16 501 West Broadway, Suite 1720
17 San Diego, CA 92101
18 Telephone: (619) 230-0063
19 Facsimile: (619) 238-0622

20 KENDALL LAW GROUP, LLP
21 JOE KENDALL
22 JAMIE J. MCKEY
23 3232 McKinney, Suite. 700
24 Dallas, TX 75204
25 Telephone: (214) 744-3000
26 Facsimile: (214) 744-3015

27 Co-Lead Counsel for Plaintiffs

28 589269